



UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

#12

In re Application of
Harvey M. Ross
Serial No. 07/558,759
Filed: July 27, 1990
For: SYSTEM AND METHOD OF
MANUFACTURING A SINGLE
BOOK COPY

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: DECISION
: ON
: PETITION
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OFFICE OF THE DIRECTOR
GROUP 230

This is a decision on the Petition To Revive an Application Unavoidably Abandoned filed March 29, 1993 under 37 CFR 1.137(a). This petition is being treated instead as a Petition to withdraw an erroneous holding of abandonment. The Petition is granted.

APPLICATION HISTORY

A Final Rejection was mailed by the PTO on August 18, 1992. An amendment after final was filed on November 9, 1992. Applicant was advised that the amendment did not overcome the rejection in an Advisory Action mailed November 25, 1992. No further papers were recorded in the file and a Notice of Abandonment was mailed to applicant on March 17, 1993. Petitioner now files evidence to try to establish that the case was improperly abandoned.

DISCUSSION

The exhibits attached to the Petition conclusively demonstrate that on February 18, 1993 Applicant filed a petition for a 3 month extension of time and on that same date a Notice of Appeal was filed in this case. Thus, the time period for filing a response in this case was extended to April 18, 1993. The Notice of Abandonment mailed March 17, 1993 was, therefore, clearly in error.

DECISION

The Notice of Abandonment mailed March 17, 1993 is withdrawn and vacated. The 3 month extension of time and the Notice of Appeal filed February 18, 1993 have been made of record in the file.

Serial No. 07/558,759


-2-

Art Unit 2306

Because of delays caused in the prosecution of this case by PTO error, applicant is given two (2) months from the date of this decision in which to file an appeal brief or take other appropriate action.

SUMMARY

THE PETITION IS GRANTED.



Gerald Goldberg
Director, Group 2300

POLSTER, POLSTER AND LUCCHESI
763 SOUTH NEW BALLAS ROAD
ST. LOUIS, MO 63141